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September 28, 2007

### **BY E-FILE AND HAND DELIVERY**

The Honorable Joseph J. Farnan, Jr.  
United States District Court, District of Delaware  
844 North King Street  
Wilmington, DE 19801

Re: *NICE Systems, Inc. and NICE Systems, Ltd. v. Witness Systems, Inc.*  
C.A. No. 06-311 (JJF)

Dear Judge Farnan:

I write on behalf of my clients, plaintiffs NICE Systems, Inc. and NICE Systems, Ltd. (collectively "NICE"), to advise that, in an effort to streamline this action scheduled for trial beginning January 14, 2008, my clients have determined to further narrow the number of claims at issue in the manner described more specifically below. As a result, no construction of claims contained therein is required. NICE is narrowing the claims in advance of the date required in the August 14, 2007 Stipulated Order Amending Scheduling Order (D.I. 221, ¶ 1a), and will make every effort to further narrow the claims at issue ahead of the timetable provided in that Order.

Specifically, Nice has determined to withdraw 29 additional claims:

1. '005 Patent: claims 3, 6, 15, 20, 21 (5 claims)
2. '345 Patent: claims 21, 23, 24, 25, 26, 43, 45, 46, 47, 49, 50, 51, 52 (13 claims)
3. '372 Patent: claims 17, 34 (2 claims)
4. '370 Patent: claims 6, 8, 11, 12 (4 claims)

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5. '079 Patent : claims 5, 6 (2 claims); and

6. '109 Patent: claims 4, 8, 24 (3 claims).

A form of order formalizing that NICE has withdrawn those claims will be filed promptly.

Obviously, counsel are available at the call of the Court should Your Honor have any questions about the foregoing.

Respectfully,

*/s/ Melanie K. Sharp*

Melanie K. Sharp (No. 2501)

MKS:mg

cc: Clerk of the Court (by Hand Delivery)  
William J. Marsden Jr., Esquire (by Hand Delivery)